

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

The restriction requirement between Groups I and II is respectfully traversed. It is respectfully submitted that the hydroxy indole with R5 = hydrogen substituted pyridyl and the hydroxy indole with R5 = halogen substituted phenyl comprise a common inventive concept. The combination of an hydroxy group on the indole ring with a halogen substituted phenyl or pyridyl ring leads to surprising advantage with regard to the biological effectiveness. Therefore, claims 21-24 and 26 have now been presented as claims 28-32 for purposes of this traverse.

Claim 21 has been amended similar to the suggestion of the Examiner, but not all of the suggestions have been adopted. A comparison of Applicants claim with the Examiner's proposed claim readily reveals the differences, especially with respect to the definition of R1 and R5. Nonetheless, it is respectfully submitted that the claim is allowable. Claims 22-27 have been amended or canceled accordingly.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR 1203.2-CONT-US. A duplicate copy of this paper is enclosed.

Dated: August 14, 2003

Respectfully submitted,

By 

James R. Crawford

Registration No.: 39,155

FULBRIGHT & JAWORSKI L.L.P.

666 Fifth Avenue

New York, New York 10103

(212) 318-3000

(212) 318-3400 (Fax)

Attorneys for Applicant